



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LATHROP & CLARK LLP  
740 REGENT STREET SUITE 400  
P.O. BOX 1507  
MADISON WI 53701-1507

**COPY MAILED**

SEP 11 2009

**OFFICE OF PETITIONS**

In re Application of :  
Balint et al. :  
Application No. 10/506,852 : **DECISION ON PETITION**  
Filed: September 3, 2004 :  
Attorney Docket No. JCI-158 :

This is a decision on the petition, filed July 9, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed October 16, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 28, 2009.

Petitioner asserts that the Office action dated October 16, 2008 was not received.

A review of the written record indicates a Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address was received on October 3, 2008. However, the October 16, 2008 Office action was incorrectly mailed to Hoffmann Miller & LaLone, the previous attorney of record.

In view of the fact that the Office action was mailed to the incorrect law firm and address, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In view of the fact that petitioner has provided an Amendment with the instant petition, this matter is being referred to Technology Center AU 1791 for further examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions